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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,537

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Niels Peter Emme

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EXAMINER

KELLEY, STEVEN SHAUN

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,537	<b>Applicant(s)</b> EMME ET AL.	
	<b>Examiner</b> STEVEN KELLEY	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4-13-07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-25-06 and 6-20-06</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,933,328 to Wallace et al. (hereinafter "Wallace") in view of U.S. Patent 6,665,544 to Michel et al. (hereinafter "Michel") and the Nokia telephone model 9210 (as mentioned on page 1 of the specification).

Regarding claim 1, Wallace teaches a mobile telephone (cellular telephone 11) comprising: means for providing a predetermined activity or functionality of the telephone (components included on printed circuit board, see column 4, lines 36-38, which connect to SIMM and MMC cards, to "provide activity or functionality", although these components such as processors, etc., are not shown, Official Notice is taken that these components are inherently present (and necessary) to provide functions of mobile phone 11), a first and a second data providing and/or storing card each having one or more contacting surfaces or pads (SIMM card 23 and MMC card 43, see Figs. 4 and 8 which show contacts (29-33 and 45-51) on each card respectively), means for holding the first and second cards in an operative position (carrier 39 which receives and holds

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MMC card 43 and holds down or presses SIMM card 23 into bottom surface 57), see column 3, lines 44-63), where the cards are at least substantially parallel and at least partly overlap each other (see Fig. 4), means for contacting the contacting surfaces or pads of each of the first and second cards (contacts 29a to 33a for SIMM card 23 and contacts 45a to 51a for MMC card 43, see Fig. 4), preventing means having two positions (battery 13, where the recited “first” and “second” positions of the battery are “in” and “out” of mobile phone 11, respectively), the preventing means being adapted to deactivate the providing means when in the second position (when the battery 13 is taken out (recited “second position”) the providing means (components on circuit board) would be deactivated as recited), the preventing means, in its first position, allowing removal of the second card from the operative position (when the battery 13 is in mobile phone 11 (recited first position) the MMC card 43 may be taken out (second card removed) as recited. The battery positions of Wallace however do not explicitly teach that “a first of the positions preventing the first card from being removed from the operative position, and the second position allowing removal of the first card from the operative position”, as recited.

In an analogous art, Michel teaches a mobile telephone 10, which includes a movable slide-in unit 42 which holds a SIM card (S). As shown in Figs. 1-4, battery 16A must be removed out (recited second position) of the mobile telephone 10 in order for the slide-in unit 42 to be properly inserted into it's operative position. Additionally, when the slide-in unit 42 is in it's operative position (recited first position) and battery 16A is located in the mobile telephone 10, the battery acts as an inhibitor which blocks the path

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of the slide-in unit 42 (see column and claim 13). Therefore, the battery 16A and the movable slide-in unit 42 which holds SIM card (S), perform the features recited in the first and second positions of the preventing means, which are not found in Wallace.

Additionally, lines 15-16 of page 1 of the instant specification teach “Applicant’s mobile telephone, model 9210, comprises two cards where the battery blocks the SIM card but where the MMC card may be removed while keeping the battery in place.” Therefore, the Nokia model 9210 telephone also performs the features recited in the first and second positions of the preventing means, which are not found in Wallace.

Therefore, as Wallace teaches the desirability of having two memory cards located in an overlapping manner, it would have been obvious in view of the teachings of the Nokia 9210 phone, (which teach allowing access to the MMC card but still requiring battery removal for the SIM card) to modify the device of Wallace to include a slide-in SIM card unit as taught by Michel, as it is conventionally desired to disable a mobile phone before SIM card removal (which inherently happens by requiring battery removal before SIM card removal as taught by Michel) in order to prevent SIM card removal when the mobile phone is “on”, which conventionally causes electrical malfunctions in the mobile telephone.

Regarding independent claim 9, see the rejection of claim 1 above, as claim 9 recites the same features (in method form) as in apparatus claim 1.

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Regarding claims 2 and 10, which recite “wherein the preventing means comprise a battery feeding power to the providing means in its first position, the second position being a position in which the battery has been removed from the telephone”, as described above, battery 16A (“preventing means”) of Michel performs the recited functions in the first and second recited positions.

Regarding claim 3, which recites “wherein the first card is translatable into and out of the operative position along a linear path, the preventing means, when in its first position, blocking the linear path out of the operative position”, as described above, see Figs. 1-4 of Michel, which show the SIM card (S) sliding on a linear path (D1), being blocked by the battery 16A, as recited.

Regarding claims 4 and 11, which recite “further comprising means for removing the second card, the removing means being adapted to allow tilting of the second card from the operative position into an inoperative position”, see Figs. 4 and 7A of Wallace, which show the carrier 39 (which receives and holds MMC card 43) tilting to allow removal of the MMC card in an inoperative position, as recited.

Regarding claim 5, which recites “wherein the contacting means contact the cards from a single side of the overlapping cards”, see Fig. 4 of Wallace, which shows the contacting means as recited.

Regarding claim 6, which recites “wherein the first card is a Subscriber Identification Module and wherein the providing means are adapted to provide subscriber identification and/or communication between the telephone and base stations”, both Wallace and Michel teach the SIM card as recited.

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Regarding claim 7, which recites “wherein the second card is an MMC card”, see MMC card 43 of Wallace.

Regarding claim 8, which recites “wherein the removing means are further adapted to translate the second card, prior to tilting, from the operative position into an intermediate position, the telephone further comprising means for preventing tilting of the second card when in the operative position and allowing tilting of the second card when in the intermediate position”, slot 63 and post 65 (along with hook 67 and post 69) shown in Fig. 7B of Wallace, form the recited “means for preventing tilting” as these devices 63-69 lock carrier 39 in place (see column 4, lines 7-18) and require carrier 39 to be moved laterally to get out of the locked position (into recited intermediate position) before carrier 39 is free to open (tilt), as recited.

In response to this Office Action Applicants are requested to submit any patent applications, drawings or documentation relating to Nokai telephone model 9210.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kelley whose telephone number is (571) 272-5652. The examiner can normally be reached on Monday-Friday, 9AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SSK/

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617